

### § 94.3

### 40 CFR Ch. I (7–1–04 Edition)

*Tier 1* means relating to an engine subject to the Tier 1 emission standards listed in § 94.8.

*Tier 2* means relating to an engine subject to the Tier 2 emission standards listed in § 94.8.

*Total Hydrocarbon Equivalent* means the sum of the carbon mass contributions of non-oxygenated hydrocarbons, alcohols and aldehydes, or other organic compounds that are measured separately as contained in a gas sample, expressed as petroleum-fueled engine hydrocarbons. The hydrogen-to-carbon ratio of the equivalent hydrocarbon is 1.85:1.

*Trading* means the exchange of engine emission credits between credit holders.

*Ultimate Purchaser* means, with respect to any new engine or vessel, the first person who in good faith purchases such new engine or vessel for purposes other than resale.

*United States* means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the U.S. Virgin Islands, and the Trust Territory of the Pacific Islands.

*U.S.-directed production volume* means the number of marine engine units, subject to this part, produced by a manufacturer for which the manufacturer has reasonable assurance that sale was or will be made to ultimate purchasers in the United States.

*Useful life* means the period during which an engine is designed to properly function in terms of reliability and fuel consumption, without being remanufactured, specified as hours of operation and years. It is the period during which a new engine is required to comply with all applicable emission standards. (Note: § 94.9(a) specifies minimum requirements for useful life values.)

*Vessel* means a marine vessel.

*Vessel operator* means any individual that physically operates or maintains a vessel, or exercises managerial control over the operation of the vessel.

*Vessel owner* means the individual or company that holds legal title to a vessel.

*Voluntary emission recall* means a repair, adjustment, or modification program voluntarily initiated and con-

ducted by a manufacturer to remedy any emission-related defect for which notification of engine or vessel owners has been provided.

[64 FR 73331, Dec. 29, 1999, as amended at 67 FR 68341, Nov. 8, 2002; 68 FR 9781, Feb. 28, 2003; 68 FR 54960, Sept. 19, 2003]

#### § 94.3 Abbreviations.

The abbreviations of this section apply to all subparts of this part and have the following meanings:

AECD—Auxiliary emission control device.  
API—American Petroleum Institute.  
ASTM—American Society for Testing and Materials.  
°C—Degrees Celsius.  
CI—Compression ignition.  
CO—Carbon monoxide.  
CO<sub>2</sub>—Carbon dioxide.  
disp.—volumetric displacement of an engine cylinder.  
EGR—Exhaust gas recirculation.  
EP—End point.  
EPA—Environmental Protection Agency.  
FEL—Family emission limit.  
ft—foot or feet.  
FTP—Federal Test Procedure.  
g—gram(s).  
g/kW-hr—Grams per kilowatt hour.  
gal—U.S. gallon.  
h—hour(s).  
HC—hydrocarbon.  
Hg—Mercury.  
hp—horsepower.  
ICI—Independent Commercial Importer.  
in—inch(es).  
K—Kelvin.  
kg—kilogram(s).  
km—kilometer(s).  
kPa—kilopascal(s).  
kW—kilowatt.  
L/cyl—liters per cylinder.  
m—meter(s).  
max—maximum.  
mg—milligram(s).  
min—minute.  
ml—milliliter(s).  
mm—millimeter.  
NIST—National Institute for Standards and Testing.  
NMHC—Non-methane hydrocarbons.  
NTIS—National Technical Information Service.  
NO—nitric oxide.  
NO<sub>2</sub>—nitrogen dioxide.  
NO<sub>x</sub>—oxides of nitrogen.  
No.—number.  
O<sub>2</sub>—oxygen.  
pct—percent.  
PM—particulate matter.  
PMM—post-manufacture marinizer.  
ppm—parts per million by volume.  
ppmC—parts per million, carbon.

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rpm—revolutions per minute.  
s—second(s).  
SAE—Society of Automotive Engineers.  
SEA—Selective Enforcement Auditing.  
SI—International system of units (i.e., metric).  
THC—Total hydrocarbon.  
THCE—Total hydrocarbon equivalent.  
U.S.—United States.  
U.S.C.—United States Code.  
vs—versus.  
W—watt(s).  
wt—weight.

### § 94.4 Treatment of confidential information.

(a) Any manufacturer may assert that some or all of the information submitted pursuant to this part is entitled to confidential treatment as provided by 40 CFR part 2, subpart B.

(b) Any claim of confidentiality must accompany the information at the time it is submitted to EPA.

(c) To assert that information submitted pursuant to this part is confidential, a person or manufacturer must indicate clearly the items of information claimed confidential by marking, circling, bracketing, stamping, or otherwise specifying the confidential information. Furthermore, EPA requests, but does not require, that the submitter also provide a second copy of its submittal from which all confidential information has been deleted. If a need arises to publicly release nonconfidential information, EPA will assume that the submitter has accurately deleted the confidential information from this second copy.

(d) If a claim is made that some or all of the information submitted pursuant to this part is entitled to confidential treatment, the information covered by

that confidentiality claim will be disclosed by EPA only to the extent and by means of the procedures set forth in 40 CFR part 2, subpart B.

(e) Information provided without a claim of confidentiality at the time of submission may be made available to the public by EPA without further notice to the submitter, in accordance with 40 CFR 2.204(c)(2)(i)(A).

### § 94.5 Reference materials.

We have incorporated by reference the documents listed in this section. The Director of the Federal Register approved the incorporation by reference as prescribed in 5 U.S.C. 552(a) and 1 CFR part 51. Anyone may inspect copies at the U.S. EPA, Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW., Room B102, EPA West Building, Washington, DC 20460 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(a) *ASTM material*. Table 1 of § 94.5 lists material from the American Society for Testing and Materials that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the sections of this part where we reference it. Anyone may purchase copies of these materials from the American Society for Testing and Materials, 100 Barr Harbor Dr., PO Box C700, West Conshohocken, PA 19428. Table 1 follows:

TABLE 1 OF § 94.5—ASTM MATERIALS

| Document No. and name   | Part 94 reference |
|---|-------------------|
| ASTM D 86–01, Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.                                    | 94.108            |
| ASTM D 93–02, Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.  | 94.108            |
| ASTM D 129–00, Standard Test Method for Sulfur in Petroleum Products (General Bomb Method).   | 94.108            |
| ASTM D 287–92 (Reapproved 2000), Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).  | 94.108            |
| ASTM D 445–01, Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (the Calculation of Dynamic Viscosity). | 94.108            |
| ASTM D 613–01, Standard Test Method for Cetane Number of Diesel Fuel Oil .....  | 94.108            |
| ASTM D 1319–02a, Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption.         | 94.108            |
| ASTM D 2622–98, Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry.       | 94.108            |